



## 1995 ASSEMBLY BILL 227

March 17, 1995 – Introduced by Representatives SCHNEIDER, ALBERS, BELL, BOYLE, CARPENTER, GROBSCHMIDT, GRONEMUS, HASENOHRL, LA FAVE, LORGE, MUSSER, WILDER, R. YOUNG and ZIEGELBAUER. Referred to Committee on Insurance, Securities and Corporate Policy.

1     **AN ACT to repeal** 631.89 (2) (a) and (b) and 631.89 (3); **to renumber and amend**  
2             631.89 (1), 631.89 (2) (c) and 631.89 (2) (d); **to amend** 631.89 (title) and 631.89  
3             (2) (intro.); and **to create** 631.89 (1) (a) 2., 631.89 (1) (b), 631.89 (1) (c) and  
4             631.89 (1) (d) of the statutes; **relating to:** the use of genetic tests by insurers.

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### *Analysis by the Legislative Reference Bureau*

Under current law, an insurer may not require or request an individual or a member of the individual's family to obtain a genetic test, or require or request an individual to reveal whether he or she or a family member has obtained a genetic test or what the results of such a test, if obtained, were. An insurer may not condition insurance coverage on, or consider in the determination of rates or any other aspect of insurance coverage, whether an individual or a member of the individual's family has obtained a genetic test or what the test results were. These prohibitions also apply to a county, city, village or school board that provides health care benefits for its employes on a self-insured basis, but do not apply to an insurer writing life or income continuation insurance. A genetic test is defined as a test using deoxyribonucleic acid (DNA) to determine the presence of or predisposition for a genetic disease or disorder.

The bill broadens the definition of a genetic test by deleting the criterion that such a test use DNA. The definition specifies that such a test may be a physical examination or an examination of family history. The definition under the bill focuses on the purpose of the test: to determine whether an individual has or is predisposed to a genetic disease or disorder.

The bill specifies that the word "individual", when used in the provisions related to the use of genetic tests by insurers, includes an unborn child, and that a family member of an individual includes an unborn child.

The bill deletes the provisions that prohibit insurers from requiring or requesting an individual or an individual's family member to obtain a genetic test

or to reveal whether such a test has been obtained and what the results were. The remaining prohibitions, that coverage may not be conditioned on the basis of genetic tests and that such tests may not be considered in the determination of rates or other aspects of coverage, are made specific to insurers offering health care coverage and counties, cities, villages and school boards providing health care services on a self-insured basis. The bill also limits the application of those provisions to the underwriting process, which is defined in the bill as the process of risk evaluation and selection.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 631.89 (title) of the statutes is amended to read:

2           **631.89 (title) Restrictions on the use of genetic test results tests.**

3           **SECTION 2.** 631.89 (1) of the statutes is renumbered 631.89 (1) (intro.) and  
4 amended to read:

5           631.89 (1) (intro.) In this section, “genetic:

6           (a) “Genetic test” means a test using deoxyribonucleic acid extracted from an  
7 individual’s cells in order, including a physical examination of an individual or an  
8 examination of the family history of an individual, to determine the presence of a  
9 genetic disease or disorder or the individual’s predisposition for a particular any of  
10 the following:

11           1. Whether an individual has a genetic disease or disorder.

12           **SECTION 3.** 631.89 (1) (a) 2. of the statutes is created to read:

13           631.89 (1) (a) 2. Whether an individual is predisposed to a genetic disease or  
14 disorder.

15           **SECTION 4.** 631.89 (1) (b) of the statutes is created to read:

16           631.89 (1) (b) “Individual” includes an unborn child.

17           **SECTION 5.** 631.89 (1) (c) of the statutes is created to read:

18           631.89 (1) (c) “Unborn child” has the meaning given in s. 20.927 (4).

1           **SECTION 6.** 631.89 (1) (d) of the statutes is created to read:

2           631.89 (1) (d) "Underwriting process" means the process of risk evaluation and  
3 selection conducted by an insurer, or a person providing health care services for  
4 individuals on a self-insured basis, with respect to an individual who is covered  
5 under a policy or enrolled in a plan or who is seeking coverage under a policy or  
6 enrollment in a plan.

7           **SECTION 7.** 631.89 (2) (intro.) of the statutes is amended to read:

8           631.89 (2) (intro.) An insurer that offers health care coverage, or a county, city,  
9 village or school board that provides health care services for individuals on a  
10 self-insured basis, may not, in its underwriting process, do any of the following:

11           **SECTION 8.** 631.89 (2) (a) and (b) of the statutes are repealed.

12           **SECTION 9.** 631.89 (2) (c) of the statutes is renumbered 631.89 (2) (am) and  
13 amended to read:

14           631.89 (2) (am) Condition the provision of insurance coverage or health care  
15 benefits on whether an individual or a member of the individual's family, including  
16 an unborn child, has obtained a genetic test or what the results of the any such test,  
17 ~~if obtained by the individual or a member of the individual's family~~, were.

18           **SECTION 10.** 631.89 (2) (d) of the statutes is renumbered 631.89 (2) (bm) and  
19 amended to read:

20           631.89 (2) (bm) Consider, in the determination of rates or any other aspect of  
21 insurance coverage or health care benefits provided to an individual, whether an  
22 individual or a member of the individual's family, including an unborn child, has  
23 obtained a genetic test or what the results of the any such test, ~~if obtained by the~~  
24 ~~individual or a member of the individual's family~~, were.

